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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,549	12/02/2004	David Siorpaes	IT 020017	7077

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, SIMON

ART UNIT

PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/516,549

Applicant(s)

SIORPAES, DAVID

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings of figs. 1-3 are objected to because components formed the system have not been labeled or named. It is required to name or label the subject matter of this application admitting of illustration by a drawing to facilitate understand of the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Shellhammer et al. (2006/0211372).

Regarding claim 1, Shellhammer discloses a device incorporating a first wireless communications arrangement adapted to operate in accordance with a first

communications standard and a second wireless communications arrangement adapted to operate in accordance with a second communications standard (paragraphs 13-14, abstract, figs. 1-2), at least a portion of a range of operation according to said first and second communications standards being in use in an overlapping relationship (paragraphs 16, 41), said device having a protocol architecture including at least one of software implemented driver-level switching (activating/deactivating or switch) (abstract, paragraphs 27) and dynamic parameter control adapted to ensure that there is substantially no mutual interference between communications at said device under either of said first and second communications standards (paragraphs 15, 17, 21, 41).

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 1, wherein a software product having encoded to execute code for implementing co-existence of different communication standards is inherently in the Shellhammer's system.

4. Claims 1-4, 6-9, 11-12, 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Awater et al. (7,046,649).

Regarding claim 1, Awater discloses a device incorporating a first wireless communications arrangement adapted to operate in accordance with a first communications standard and a second wireless communications arrangement

adapted to operate in accordance with a second communications standard (abstract, figs. 1-2), at least a portion of a range of operation according to said first and second communications standards being in use in an overlapping relationship (column 3 lines 10-20, 51-60, claim 37), said device having a protocol architecture including at least one of software implemented driver-level switching (column 6 lines 62-67) and dynamic parameter control adapted to ensure that there is substantially no mutual interference between communications at said device under either of said first and second communications standards (abstract, column 4 lines 46-60).

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 17, this claims is rejected for the same reason as set for in claim 1, wherein a software product having encoded to execute code for implementing co-existence of different communication standards is inherently in the Awater's system.

Regarding claims 2-3, Awater further discloses wherein said driver level switching avoids said mutual interference through the application of a scheduling policy to transmissions under each said communications standard and wherein said scheduling policy is adapted to place said transmissions in a queue and to control said queue such that transmissions under one of said communications standards do not collide with transmissions under the other communications standard (abstract, column 3 lines 10-27, 51-60, column 1-2, column 6 lines 29-61, column 8 lines 11-35, claim 37).

Regarding claim 4, Awater further discloses wherein said scheduling policy comprises a time-share mechanism adapted to apply predetermined percentages of time to transmissions made under each said communications standard (column 8 line 44 to column 10 line 59).

Regarding claims 6-7, Awater further discloses wherein said communications standards comprise wireless communications standards and said software is implemented in the form of a wireless adaptation layer (abstract, figs.1-2, column 5 lines 35 to column 6 line 21), and wherein said software further comprises a quality-of-service arrangement adapted to schedule transmission under said communications standards according to application requirements (column 6 line 62 to column 7 line 5).

Regarding claims 8, 11-12, Awater further discloses the schedulers preferably communicating at Medium Access Control (MAC) level, wherein said communications comprise packet transmissions, and wherein said communications standards comprise Bluetooth and IEEE 802.11 (column 1 line 51 to column 2 line 4, column 5 line 57 to column 6 line 5, column 8 lines 11-24, column 10 lines 4-9, column 11 lines 31-64).

Regarding claim 14, Awater further discloses wherein collision (interference) avoidance between said communications standards is implemented in Bluetooth (abstract, column 2 lines 29-46).

Regarding claim 9, Awater further discloses wherein policies for said schedulers are set in accordance with channel state (column 8-10).

Regarding claim 15, Awater further discloses wherein said device comprises one of a client device, a master unit, a slave unit (column 9 lines 11-22).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awater (7,046,649) in view of Texerman et al. (20040141522).

Regarding claims 5, 10, Awater fails to teach reducing bandwidth to prevent overlapping and scheduling is variable based on traffic.

Texerman, in the same field of invention, discloses the bandwidth is reduced to prevent the collision (paragraph 54, figs. 1-3) and scheduling is variable based on traffic (paragraphs 108-109, 111-112, 116, 124-125). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Awater, modified by Texerman in order to prevent the interference.

Regarding claim 13, Texerman further discloses wherein an operating parameter, such as one or more of packet fragmentation, variable transmission power and variable data rate as required (paragraphs 22, 26, 117).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
600 Dulany, Alexandria, VA 22314

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

January 16, 2007

A handwritten signature in black ink, appearing to read 'S. Nguyen'.

SIMON NGUYEN
PRIMARY EXAMINER